

**IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN  
DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
vs.	)	Case No. 2:22-CR-00163
	)	
DAVID GERALD MINKKINEN	)	
and SIVARAMAN SAMBASIVAN,	)	
	)	
Defendants.	)	

**DEFENDANT MINKKINEN’S RECIPROCAL DISCOVERY DISCLOSURE.**

I. Items within the defendant's possession, custody, or control which the defendant intends to use the item in the defendant's case-in-chief at trial.

Defendant has yet to determine what will be introduced at trial, in large part because the Government’s discovery is ongoing and incomplete. Among other deficiencies, the Government has failed to specifically identify what it alleges are the “trade secrets” at the core of this case. Moreover, most of the evidence likely to be introduced by Defendants is likely already in the possession of the Government. This response may be supplemented as appropriate.

II. Reports of Examinations and Tests within the defendant's possession, custody, or control; and which the defendant intends to use the item in the defendant's case-in-chief at trial, or intends to call the witness who prepared the report and the report relates to the witness's testimony.

None known at this time.

III. Expert Witnesses. The defendant must, at the government's request, give to the government a written summary of any testimony that the defendant intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence as evidence at trial, if—

a.) Professor Michael Shamos of Carnegie-Mellon University may testify at trial as an expert witness on behalf of Defendant. He may offer opinion testimony with regard to trade secrets and source code and similar matters which are alleged in the indictment. However, Professor Shamos has not yet had the opportunity to review and analyze the Government’s ongoing and incomplete discovery production. Upon such review, the bases of any opinions to be offered by Professor Shamos may be supplemented and disclosed to the Government. The Government has not yet disclosed any experts as requested by the defendants and as required by FRCrP 16(a)(1)(G), but if the Government does so, defendants may then make such additional reciprocal expert and expert rebuttal disclosures pursuant to FRCrP 16(b)(1)(c)(i).

b.) Expert Witness’s Qualifications:

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Professor Shamos is a Distinguished Career Professor, Institute for Software Research and Language Technologies Institute, School of Computer Science, Carnegie Mellon University (2001- ). He has been recognized many times as an expert witness in federal and state courts. A copy of his C.V. will be produced separately to the Government.

c.) Should discovery warrant, Defendant Minkkinen reserves the right to call additional expert witness(es), including without limitation with regard Federal Acquisition Regulation (FAR) issues and the legal principals regarding the use, reproduction, copyright, publication and ownership of federally-funded unemployment systems, software and code.

Respectfully Submitted,

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